

Minutes: REGULAR CITY COUNCIL MEETING, September 26, 1983  
Page 1

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD SEPTEMBER 26, 1983

PRESENT

Don Bird	Council Member
Don Dafoe	Council Member
Ruth Hansen	Council Member
Willis Morrison	Council Member

ABSENT

Grant S. Nielson	Mayor
Max Bennett	Council Member

OTHERS PRESENT

Warren Peterson	City Attorney
Dorothy Jeffery	City Recorder
John Quick	City Engineer
Sherri Terrell	City Secretary
Stanley Robison	City Justice of the Peace
Craig Greathouse	
Corinne Murray	
Leah Kauwe	
Martin Ludwig	
Ken Topham	
Jim Fletcher	
Neal Finlinson	
Helena Downing	
Carlyle Peterson	
Steve Jackson	
Tom Downing	

Because of the Mayor's absence, Councilman Don Bird, being the Senior Council Member, called the meeting to order. Councilman Bird made a MOTION to appoint Councilman Don Dafoe as Mayor pro tempore. Council Member Hansen SECONDED the motion, which passed unanimously.

Pro tempore Mayor Dafoe stated that notice of the time, place and agenda of the meeting had been posted at the principal office of the governing body and had been provided to the Millard County Chronicle, the Millard County Gazette and the local radio station, KNAK, and to each member of the governing body by personal delivery to copies of the Notice and Agenda two (2) days prior to the meeting.

MINUTES

The minutes of a Regular City Council Meeting held September 19, 1983, were presented and corrected by the Council. Councilman Bird made the MOTION to accept the minutes as corrected. Councilman Morrison SECONDED the motion, which passed unanimously.

Minutes: REGULAR CITY COUNCIL MEETING, September 26, 1983  
Page 2

The minutes of a Special City Council Meeting held September 22, 1983, were presented and corrected by the Council. Council Member Hansen made a MOTION to accept the minutes as corrected. Councilman Bird SECONDED the motion, which passed unanimously.

#### ACCOUNTS PAYABLE

City Recorder Dorothy Jeffery presented the list of accounts payable to the Council Members. Councilman Morrison made a MOTION to pay the current bills as corrected. Councilman Bird SECONDED the motion, which passed unanimously.

#### SCHOOL DISTRICT: REQUEST FOR ASSISTANCE WITH STORM DRAINAGE PROBLEMS. REQUEST FOR REDUCTION IN WATER DEDICATION REQUIREMENTS

West Millard School District Superintendent Kenneth Topham stated that the requirement for water dedication established for the school annexation was 3 acre feet of water per acre. He stated that he had been given the impression that the School District would be given some consideration for decreasing this dedication requirement if less than 3 acre feet per acre was necessary. He asked that the City reduce the dedication requirement for the West Millard School District to 22 acre feet from 30 acre feet. The Council decided to act on this request at a later date, allowing City Engineer John Quick to do a study of the situation.

Superintendent Topham stated that the School District is willing to run a necessary drainage water line from the Delta South Elementary to 1st West. He stated that the School would like to have help and participation on the remainder of the line. Mr. Topham stated that he had talked with Roger Stowell from IPA and he had told him if the City and School were to participate, that IPA would also be willing to participate.

City Engineer John Quick stated that the drain line size had been determined, but the grade had not been established. The Council asked Mr. Quick to provide a cost estimate for next week's meeting. The Council will answer the School District's request next Monday.

#### RESOLUTION TO CREATE A SPECIAL IMPROVEMENT DISTRICT IN THE DELTA ESTATES AREA FOR WATER AND SEWER IMPROVEMENTS

Lot owner Neal Finlinson explained to the Council the financial situation of some of the lot owners. He asked if the City could give them some additional time for payment of the hook up fees beyond the 10 years provided under the proposed special improvement district. He said that if this was permitted the residents would probably all support the improvement district and the protests would be withdrawn.

In response to a question, City Attorney Peterson stated that the Board of Water Resources Bond Provisions may provide no connections can be given until fees are paid. He agreed to research this question.

Minutes: REGULAR CITY COUNCIL MEETING, September 26, 1983  
Page 3

The Council discussed the financial burden the improvement district could be to these people. The Council agreed that the City should do everything that is possible to keep the costs minimal.

Steve Jackson stated that the longer this improvement is held up the more expensive it could become.

Councilman Bird stated that the City would like to pursue in good faith that the cost figure will be minimal. Mr. Finlinson agreed that the improvement district should be established. He also said that the residents who were allowed to extend the payment periods would provide security, such as mortgages, to assure payment.

City Attorney Peterson stated that if the Contractor would receive payment after the bond is taken out, it may reduce the project cost. The other way that the Contractor is paid is by a short term construction loan, or interim warrants.

Councilman Morrison asked that a letter be written withdrawing the property owners protests. He stated that once the Resolution is adopted the Improvement District will proceed and the residents will be bound by its terms. The representatives of the Delta Estates residents acknowledged this, and requested that the Council try to make the costs minimal.

Councilman Morrison made a MOTION to adopt Resolution 83-97 entitled:

A RESOLUTION TO CREATE DELTA CITY, UTAH SPECIAL  
IMPROVEMENT DISTRICT NO 83-1 DESCRIBED IN THE NOTICE OF  
INTENTION CONCERNING THE DISTRICT AND AUTHORIZING THE  
CITY OFFICIALS TO PROCEED TO MAKE IMPROVEMENTS AS SET  
FORTH IN THE NOTICE OF INTENTION TO CREATE THE DISTRICT.

Councilman Bird SECONDED the motion. Mayor pro tempore Dafoe asked for a roll call vote.

Max Bennett	Absent
Don Bird	Yea
Ruth Hansen	Yea
Willis Morrison	Yea

After the voting Mayor pro tempore Dafoe signed the Resolution and City Recorder Dorothy Jeffery attested it.

#### ORDINANCE TO ADOPT PORTIONS OF THE STATE DRUNK DRIVING CODE

City Attorney Peterson presented the Ordinance to adopt portions of the State Drunk Driving Code. He reviewed the Ordinance and proposed that the City adopt it in this form. He explained that Millard County Attorney Steve Jackson had agreed that Millard County would enter an interlocal agreement with Delta City under which offenses of greater severity than Class B misdemeanors would be prosecuted by Millard County. Mr. Jackson, who was present, concurred.

Minutes: REGULAR CITY COUNCIL MEETING, September 26, 1983  
Page 4

Justice of the Peace Stan Robison stated that in certain instances it is mandatory to sentence a person guilty of a DUI misdemeanor to either spend 48 consecutive hours in jail or 16 hours in public service work. He suggested that the City check to see what the cost would be on a day to day basis for workman's compensation or liability insurance. The person committing the crime and deciding to work out the penalty would then be responsible to pay the City back for the insurance.

Councilman Bird made a MOTION to table this decision until the Council could review the ordinance. Councilman Morrison SECONDED the motion, which passed unanimously.

#### PAYMENT REQUEST ON WATER PROJECT PHASE II EATON METALS, K & P PLUMBING

City Engineer John Quick stated that he had a pay request from K&P Plumbing for the Water Project Phase II, in the amount of \$27,360.00. He said the work is 90% complete. Councilman Bird made a MOTION to pay K&P Plumbing the requested amount of \$27,360.00. Council Member Hansen SECONDED the motion, which passed unanimously.

City Engineer John Quick stated that he had a pay request from Eaton Metal for the Water Project Phase II, in the amount of \$34,957.50. They are 80% completed with the project. Councilman Bird made a MOTION to pay Eaton Metal \$34,957.50. Council Member Hansen SECONDED the motion, which passed unanimously.

#### OTHER BUSINESS

City Attorney Peterson stated that Don Peterson, Ken Kauwe's attorney, had telephoned him and had requested that the Appeals Hearing for Ken Kauwe be continued for at least two weeks. The Council will discuss the date to hold the hearing with the Mayor. Council Member Hansen made a MOTION to continue Ken Kauwe's Appeals Hearing at a date to be determined later. Councilman Morrison SECONDED the motion, which passed unanimously.

City Attorney Peterson stated that Deanna Johnson had telephone him in behalf of Ron Johnson Construction Company, requesting that the City take action approving their payment for Phase I of the Water Improvement Project. She had stated that their insurance had paid Ken Mortensen \$200.00, which he had cashed. A letter was enclosed that said he was responsible for the remainder of the damage because of the location of the accident. Mr. Peterson said that Mayor Nielson should be consulted. Mr. Peterson said the City might consider paying Ron Johnson Construction Company the amount due, holding back the remaining \$200.00 of the damage. The Council decided to discuss this with the Mayor before making their decision.

City Recorder Dorothy Jeffery stated that Pete Shields had called asking if he could lease/rent space in the airport and asked if he could be on the agenda for next week.

Minutes: REGULAR CITY COUNCIL MEETING, September 26, 1983  
Page 5

Mayor pro tempore Dafoe stated that the City had received a bank statement from Rancho Mobile Home Park Development. Attorney Peterson stated that Rex Day had requested a resolution stating that the Rancho annexation conditions had been met. He stated that a letter could be written stating that they had complied with the park obligation and wait until the water was dedicated for the resolution. The Council would like Steve Littlefield to prepare a report and account for the items the money was spent on.

Mayor pro tempore Dafoe stated that the City had received a bill from Juab County on the housing of prisoners. The Council concurred that it would be a good idea to check with Millard County to see whether the City is obligated to make payment.

Councilman Morrison made a MOTION to adjourn the meeting. Councilman Bird SECONDED the motion, which passed unanimously. Pro tempore Mayor Dafoe adjourned the meeting at 10:38 p.m.

Don Dafoe  
Mayor pro tempore Don Dafoe

City Recorder Dorothy Jeffery

MINUTES OF A SPECIAL CITY COUNCIL MEETING HELD SEPTEMBER 28, 1983

PRESENT

Grant S. Nielson	Mayor
Max Bennett	Council Member
Don Bird	Council Member
Don Dafoe	Council Member
Ruth Hansen	Council Member
Willis Morrison	Council Member

ABSENT

Dorothy Jeffery	City Recorder
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OTHERS PRESENT

Don W. Baird  
David S. Steed  
John Dee Lamb  
Jim C. Allan

Mayor Nielson called the meeting to order at 6:05 p.m. and stated that the time, place and agenda of the meeting had been posted at the principal